

PATENT  
Serial No. 09/819,441

Amendment in Reply to Office Action of October 17, 2005

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

In the Office Action, claims 1-2, 6-10, 14-16 and 19-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,774,591 (Black) in view of U.S. Patent No. 5,798,785 (Hendricks). Further, claims 4-5, 12-13 and 17-18 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Black in view of Hendricks and U.S. Patent No. 6,118,888 (Chino). It is respectfully submitted that claims 1, 4-9 and 12-24 are patentable Black, Hendricks and Chino for at least the following reasons.

Black is directed to a system that tracks head and facial features and responds by adjusting software operating a computer work station. For example, the Black system automatically tailors the presentation of material to a student's attention level and interest. (See Column 27, lines 1-7) As correctly noted by the Examiner, Black does not teach or suggest providing media content selections. Hendricks is cited in an attempt to remedy this deficiency in Black.

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Hendricks is directed to "an economical system which can present television programs through a user friendly interface which allows the consumer to easily select from among the many program choices." (Column 2, lines 23-25; emphasis added) "[A] list of programs ... [are] displayed to the user." (Column 3, lines 16-17; emphasis added) "Once the subscriber has indicated a selection by using, for example, a remote control 900 utilizing cursor movement, the microprocessor 602 at the set top terminal 220 can match the subscriber selection to the program and direct the set top terminal 220 to tune to the selected program." (Column 29, lines 20-25; emphasis added) That is, the user actively must select a program from a list of recommended programs, and only afterward is the channel changed or tuned to a different channel having content that matches the user selected choice.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 8, 16-17 and 19-20, amongst other patentable elements, requires:

selecting an alternate item media content without manual intervention of said user if said predefined negative behavior is detected.  
(Emphasis added)

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These features are nowhere taught or suggested in Black and Hendricks. Chino is cited to reject other claim to allegedly show other features and does not remedy the deficiencies in Black and Hendricks.

Accordingly, it is respectfully submitted that independent claims 1, 8, 16-17 and 19-20 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 4-7, 9, 12-15, 18 and 21-24 should also be allowed at least based on their dependence from independent claims 1, 8 and 16-17.

Dependent claims 23-24 also include patentable subject matter. In particular, Black, Hendricks and Chino, alone or in combination, do not teach or suggest that the processor is further configured to tune to a different channel to provide the alternate media content, as recited in claim 23; or that the media content has a highest recommendation score, and the alternate media content has a next highest recommendation score.

It is believed that no additional fees or charges are currently due since the total number of claims are twenty in view of canceled claims 2-3 and 10-11. However, in the event that any

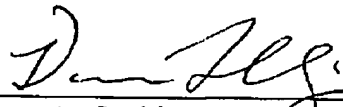
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additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited. Please direct all future correspondence related to this application to:

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Respectfully submitted,

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